

### REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 1 has been amended for clarification purposes, and now recites "fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-aqueous medium." Support for this amendment can be found in the instant specification at least at page 27, lines 5-11. Claim 2 has been amended for readability purposes by replacing "an" with "a" prior to "hydrocarbon." Claim 4 has been amended for clarification purposes, and now recites that the coloring agent is coated with the binder resin to form the colored admixture. New claim 6 recites that the fine particles have a maximum particle size of not more than 1  $\mu\text{m}$  and an average particle size of from 0.01 to 0.5  $\mu\text{m}$ . Support for such new claim can be found in the specification at page 31, lines 11-16, taken in connection with page 27, lines 5-11.

In the Official Action, claim 1 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1 and 2 of copending Application No. 10/668,158. Withdrawal of this rejection is respectfully requested for at least the following reasons.

As discussed above, claim 1 has been amended to recite fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-aqueous medium. Claims 1 and 2 of the '158 application do not disclose cooling and pulverizing the resulting mixture to form a colored admixture, as is now recited in claim 1.

Accordingly, for at least this reason, withdrawal of the above rejection is respectfully requested.

Claims 1-4 stand rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth at pages 3 and 4 of the Official Action. This rejection is moot in light of the above amendments to claim 1, wherein such claim now recites fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-aqueous medium. Applicants respectfully submit that claim 1 fully complies with the provisions of the first paragraph of 35 U.S.C. §112. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth at page 5 of the Official Action. This rejection is moot in light of the above amendment of claim 4. Accordingly, withdrawal of this §112 rejection is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,143,806 (*Kato et al*). Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0128349 (*Qian et al*).

Withdrawal of the above rejections is respectfully requested for at least the following reasons.

Independent claim 1 is directed to an oil based ink composition for inkjet printer comprising fine particles in a non-aqueous dispersion medium, the fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-aqueous medium, wherein the binder resin comprises a copolymer which is insoluble in the non-aqueous dispersion medium and comprises (a) a monofunctional monomer A containing an aliphatic cyclic hydrocarbon group having from 5

to 30 carbon atoms and (b) a monofunctional monomer B, which is capable of copolymerizing with the monofunctional monomer A and a homopolymer of which is soluble in the non-aqueous dispersion medium.

*Kato et al* and *Qian et al* do not disclose each feature recited in claim 1, and as such fail to constitute an anticipation of such claim. For example, *Kato et al* and *Qian et al* fail to disclose fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-aqueous medium, as recited in claim 1. The applied art simply has no disclosure of fine particles being obtained by, *inter alia*, melting and kneading a coloring agent and a binder resin, let alone by cooling and pulverizing the resulting mixture to form a colored admixture.

Accordingly, for at least the above reasons, withdrawal of the above §102 rejections is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being obvious over *Kato et al* or *Qian et al*, either of which in view of U.S. Patent No. 5,814,685 (*Satake et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The deficiencies of *Kato et al* and *Qian et al* are discussed above. The Patent Office has relied on *Satake et al* for allegedly disclosing "the use of polymers having average particle size of 20-200 nm and maximum particle size less than 1000 nm in order to prevent clogging of the printer nozzles" (Official Action at page 10). However, like the other applied art, *Satake et al* fails to disclose or suggest fine particles being obtained by melting and kneading a coloring agent and a binder resin, and cooling and pulverizing the resulting mixture to form a colored admixture, and dispersing the colored admixture in the non-

aqueous medium, as recited in claim 1. That is, *Satake et al* fails to cure the above-described deficiencies of *Kato et al* and *Qian et al*.

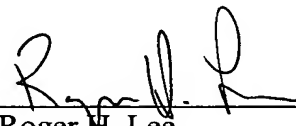
For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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